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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,956	05/10/2006	David Boswell	11/2-23465/PRI 1/PCT	8651

324 7590 01/12/2009  
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EXAMINER
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NGUYEN, ANTHONY H

ART UNIT	PAPER NUMBER
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2854

MAIL DATE	DELIVERY MODE
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01/12/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/578,956	<b>Applicant(s)</b> BOSWELL ET AL.	
	<b>Examiner</b> ANTHONY H. NGUYEN	<b>Art Unit</b> 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) 1-10, 12-52 and 55-57 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11, 53 and 54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/5/06, 10/27/08</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

Applicant's election of Group III, claims 11, 53 and 54 in the reply filed on November 27, 2008 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Accordingly, claims 1-10, 12-52 and 55-57 are withdrawn from further consideration by the examiner, 37 C.F.R. § 1.142(b), as being drawn to a non-elected invention.

### ***Claim Objections***

Claims 11, 53 and 54 are objected to because it is unclear how the "diffraction grating forming means" can contact a portion of the curable compound (claim 11, lines 4 and 5).

To the extent the claims are clear and positively recited limitations, it appears that the following prior art rejection is proper.

### ***Claim Rejections - 35 U.S.C. § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2854

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11, 53 and 54 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over D' Amato et al. (US 4,933,120) in view of Meikka et al. (US 6,666,995).

With respect to claims 11 and 53, D' Amato et al. teaches a method for forming a hologram having steps of applying a curable compound (liquid resin material 69) to at least a portion of a substrate 11, contacting at least a portion of the curable compound with a diffraction grating forming means 61 (Fig.3, col.5, lines 24-40), curing the curable compound via a radiation source 79, depositing a thin metallic layer on the at least a portion of the cured compound (col.6, lines 19-36). D' Amato et al. does not clearly teach the depositing a metallic ink on the cured compound. Meikka et al. teaches the use of conventional metallic flake and powder pigments which are formed as inks which are applied to a substrate (col.2 lines 7-9 and col.10 lines 31-34). In view of the teaching of Meikka et al., it would have been obvious to one of ordinary skill in the art to modify the thin metallic layer of D' Amato et al. by providing the metallic ink as taught by Meikka et al. to improve the efficiency of depositing a metallic material on a portion of the cured compound if in fact D' Amato et al. does not teach the use of metallic ink. With respect to claim 54, the use of metallic ink which comprises metal pigment particles and a binder is well known in the art. For example, see Meikka et al., col.2, lines 26-31.

***Conclusion***

The patents to McGrew, Stadler et al. and Wilen are cited to show other methods having obvious similarities to the claimed method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (571) 272-2169. The examiner can normally be reached daily from 9 AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen, can be reached on (571) 272-2258.

The fax phone number for this Group is (571) 273-8300.

/Anthony H Nguyen/  
Primary Examiner, Art Unit 2854